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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,123	10/30/2001	David D. Faraldo II	05220.P004	7352

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 05/13/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,123

Applicant(s)

FARALDO, DAVID D.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 5, 8, 22, 24, 25, 28, 36, 39, 46 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 4, 5, 8, 22, 24, 25, 28, 36, 39, 46 and 49 contain the trademark/trade name TelAlert. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe configuration information and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6, 7, 9-21, 23, 25-27, 29-35, 37, 38, 40, 41, 43-45, 47, 48, 50, 51, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,219,648 issued to Jones et al (hereafter Jones).

Claims 1, 21, 34 and 45:

Jones discloses a method comprising:

- receiving configuration information from a database [col 13, lines 38-53]; and
- generating a configuration file containing the configuration information [col 13, lines 38-53].

Claims 3, 23, 38 and 48:

Jones discloses wherein the database is a relational database [col 13, lines 38-53].

Claims 6 and 26:

Jones discloses periodically generating additional configuration files [col 3, lines 37-39].

Claims 7 and 27:

Jones discloses wherein the configuration information describe at least one business site [col 1, lines 50-55]

Claims 9-13, 29, 37 and 47:

Jones discloses wherein the configuration information includes a contact [col 6, lines 35-42].

Claims 14, 41 and 51:

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Jones discloses a schedule [col 6, lines 35-37].

Claim 15:

Jones discloses a strategy [col 6, lines 40-50]

Claim 16:

Jones discloses a pager type [col 5, line 67]

Claims 17, 30, 43 and 53:

Jones discloses a \$include file [col 2, lines 64-66].

Claims 18, 31, 40 and 50:

Jones discloses compiling the configuration file into a compiled file at a later time [col 13, lines 46-53]

Claims 19, 32 and 35:

Jones discloses a portal [col 6, lines 40-53]

Claims 20, 33, 44 and 54:

Jones discloses wherein the receiving is performed over a secure communication pathway [col 8, lines 19-32]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 4, 8, 22, 24, 28, 36, 39, 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of US Pat No 6,442,547 issued to Bowman-Amuah (hereafter Bowman-Amuah).

Claims 2, 22, 36 and 46:

Jones discloses the elements of claims 1, 14, 27 and 38 as noted above.

Jones fails to disclose wherein the configuration information is TelAlert configuration information.

Bowman-Amuah discloses wherein the configuration information is TelAlert configuration information [col 50, lines 48-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include wherein the configuration information is TelAlert configuration information as taught by Bowman-Amuah.

The ordinarily skilled artisan would have been motivated to modify Jones per the above for the purpose of sending an alphanumeric page via modem dialing the paging provider [col 50, lines 48-54].

Claims 4, 24, 39 and 49:

Jones discloses the elements of claims 1, 3, 16, 27 and 38 as noted above.

Jones fails to disclose wherein the database provides integrity to the TelAlert system.

Bowman-Amuah discloses wherein the configuration information is TelAlert configuration information [col 50, lines 48-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Jones and Bowman-Amuah to include wherein the database provides integrity to the TelAlert system.

The ordinarily skilled artisan would have been motivated to modify the combination of Jones and Bowman-Amuah per the above for the purpose of ensuring that consistent information is available at all times to all users.

Claims 8 and 28:

Jones discloses the elements of claims 1 and 14 as noted above.

Jones fails to disclose wherein the configuration information describe at least one TelAlert server.

Bowman-Amuah discloses wherein the configuration information describe at least one TelAlert server [col 50, lines 48-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include wherein the configuration information describe at least one TelAlert server as taught by Bowman-Amuah.

The ordinarily skilled artisan would have been motivated to modify Jones per the above for the purpose of making a connection to a network.

Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Applicant's admitted prior art.

Claims 5, 25:

Jones discloses the elements of claims 1 and 14 as noted above.

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Jones fails to disclose wherein the configuration file is a TelAlert.ini file

Applicant as admitted prior art discloses a TelAlert.ini file [specification paragraph 3]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include wherein the configuration file is a TelAlert.ini file per applicant's admitted prior art.

The ordinarily skilled artisan would have been motivated to modify Jones per the above for the purpose of naming the configuration file.

Claims 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of US Pat No 6,288,688 issued to Hughes et al (hereafter Hughes).

Claim 42 and 52:

Jones discloses the elements of claims 1, 14, 27, 34 and 44 as noted above.

Jones fails to disclose wherein the scheduling tool is at least one from a group consisting of a windows scheduler or a unix cron.

Hughes discloses wherein the scheduling tool is at least one from a group consisting of a windows scheduler or a unix cron [Fig 8, col 19, lines 60-67].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include wherein the scheduling tool is at least one from a group consisting of a windows scheduler or a unix cron as taught by Hughes.

The ordinarily skilled artisan would have been motivated to modify Jones per the above for the purpose of providing a well-known UNIX system level scheduling program that can be

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instructed to run other programs at specified times and/or specified time intervals [col 19, lines 60-67].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

5/6/2004

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the printed name and date.